

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DONALD MEJIA,

Plaintiff,

VS.

MARIA D RAMIREZ, *et al*,

Defendants.

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CIVIL ACTION NO. 2:14-CV-00238

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT**


On April 10, 2015, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation on Cross-Motions for Summary Judgment” (D.E. 32). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 32), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Plaintiff’s Motion for

Summary Judgment (D.E. 31) is **DENIED** and Defendants' Motion for Summary Judgment (D.E. 24) is **GRANTED IN PART** and **DENIED IN PART**. The Court **DISMISSES** Plaintiff's claims concerning extreme temperatures, air circulation/ventilation, and commissary visitation for failure to exhaust. The Court **RETAINS** Plaintiff's claims regarding showers, recreation days, and johnny sacks.

ORDERED this 20th day of May, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE